

Attorney's Docket No. 43314/236950

PATENT

sector
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Buehl et al.
Appl No.: 10/054,719
Filed: January 18, 2002
For: CABLE BILLING SYSTEMS AND METHODS ENABLING INDEPENDENCE OF
SERVICE MARKETING AND PROVISIONING FROM BILLING AND COLLECTION OF
REVENUE

Confirmation No.: 5375

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

**RESPONSE TO NOTICE TO
FILE MISSING PARTS OF APPLICATION**

Sir:

In response to the Notice to File Missing Parts of Application dated February 27, 2002, enclosed are the following:

- ☒ Part 2 of Formalities Letter or Form PTO-1533
(Notice to File Missing Parts of Application)
 - ☒ Declaration and Power of Attorney for the above-identified application which has been executed by the named inventor(s)
 - ☐ Applicant claims small entity status
 - ☒ Check in the amount of \$740.00 to cover the filing fee of \$740.00.
 - ☐ English Translation and \$130.00 (37 CFR 1.17(k)) fee for filing late.
 - ☒ Other: Petition To Grant Filing Date And To Refund Petition Fee with Declaration; Drawings (Total 4 Sheets); Copy of Cover Sheet of Application; Copy of Express Mail Receipt; Copy of Return Postcard
- Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

William R. Silverio
Registration No. 45,383

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number EL 952 538 497 US
Date of Deposit March 6, 2002
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed: **Box Missing Parts**, Commissioner for Patents, Washington, DC 20231, on March 6, 2002.

Laisha Richardson



**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Only for new nonprovisional applications under 37 CFR 1.53(b)

Attorney Docket No. 43314/236550

First Inventor or Application Identifier: Buehl

Title of Invention: CABLE BILLING SYSTEMS AND
METHODS ENABLING INDEPENDENCE OF SERVICE
MARKETING AND PROVISIONING FROM BILLING AND
COLLECTION OF REVENUE

Express Mail Label No. EL 928 376 595 US

ADDRESS TO: **BOX PATENT APPLICATION
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231**

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Joseph G. Buehl and Darryl Lanay DeFreese

Assignee of this invention is N2 Broadband, Inc. and Time Warner Cable

1. ☒ The Filing Fee has been calculated as shown below:
2. ☐ Applicant claims Small Entity Status. See 37 CFR 1.27.

	No. Filed	No. Extra	Small Entity Rate	Fee 0	Large Entity Rate	Fee 1
BASIC FEE				\$0		\$740
TOTAL CLAIMS:	18 - 20 =	0	X 9 =	\$0	x 18 =	\$0
INDEP CLAIMS:	3 - 3 =	0	X 42 =	\$0	x 84 =	\$0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+140 =	\$	+280 =	\$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$		TOTAL \$	740

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a. ☐ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☐ Fees required under 37 CFR 1.17 (National application processing fees).
- ☐ A check in the amount of \$ ___ for the filing fee is enclosed.
- ☒ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
3. ☒ Specification; Total Pages 23
4. ☒ 4 Sheets of Drawing(s) (35 USC 113)
5. ☐ Declaration and Power of Attorney; [Total Pages ___]
- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM ☐ CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Copy (CRF)
- b. ☐ Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)
- c. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper (___ Pages)
- d. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
10. ☐ 37 CFR 3.73(b) Statement (*when there is an assignee*); ☐ Power of Attorney
11. ☐ English Translation Document (*if applicable*)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449; ___ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
- ☐ Foreign Priority is claimed as Application No. ___, filed
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB35 or its equivalent.
17. ☐ Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.
18. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:**
- ☐ Continuation ☐ Divisional ☐ Continuation in Part (CIP)
- of prior Application No: ___; Filed ___

Prior Application Information: Examiner

Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS CUSTOMER NUMBER 00826

Signature: William R. Silverio

Attorney/Agent of Record: William R. Silverio

Attorney/Agent Registration No. 45,383

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"Express Mail" mailing label number EL 928 376 595 US

Date of Deposit January 18, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner For Patents, Washington, DC 20231.

Laisha Richardson

Laisha Richardson

In re: Buehl et al.

Appl. No.: 10/054,719

Filing Date: January 18, 2002

Page 3

DECLARATION

I, Laisha Richardson, the depositor of said application, do hereby remember depositing the four (4) sheets of drawings along with the application and mailing same on January 18, 2002, as indicated by the stamp on the return postcard.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 6th day of March, 2002.

Laisha Richardson (SEAL)
Laisha Richardson

STATE OF Georgia)
COUNTY OF Fulton)

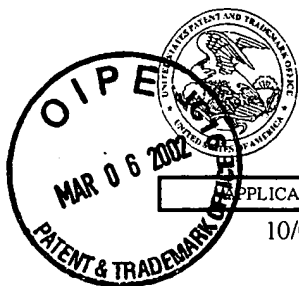
I, JOSEPH A. LASHLEY, a Notary Public for said County and State, do hereby certify that Laisha Richardson personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 6th day of March, 2002.

(Official Seal)

Joseph A. Lashley
Notary Public

My Commission Expires: Notary Public, Fulton County, Georgia
My Commission Expires Jan. 16, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/054,719	01/18/2002	Joseph G. Buehl	43314/236950

00826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

CONFIRMATION NO. 5375

FORMALITIES LETTER



OC000000007541121

Date Mailed: 02/27/2002

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

The required items noted below **SHOULD** be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- The balance due by applicant is \$ 740.

03/13/2002 HBARZ11 00000091 10054719

01 FC:101

740.00 OP

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to read "J. Lee" or similar, written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTG RECEIPT FOR INDICATED ITEMS

Application No.: To be assigned Atty: Silverio, WR
Date Mailed: 1/18/02
Inventor(s): Buehl et al. Atty. Dkt. No.: 43314/236950

U.S. Utility Patent Application Entitled: *Cable Billing Systems and Methods Enabling Independence of Service Marketing and Provisioning from Billing and Collection of Revenue*

Kindly acknowledge receipt of the following:

- ☒ Utility Patent Application Transmittal Form
- ☒ Pages of Spec. (including claims and abstract) 23
- ☒ No. of Claims 18
- ☒ No. of Drawing Sheets 4
- ☒ Express Mail Label No. EL 928 376 595 US
- ☒ Return Postcard

Please place office stamp hereon and Return Postcard to: Laisha Richardson ALSTON & BIRD LLP

J1000 U.S. PTO
10/054719
01/18/02



Attn: Laisha Richardson

ALSTON & BIRD LLP

One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424